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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF NEVADA**

15 LAUSTEVEION JOHNSON,

16 Plaintiff,

17 v.

18 JAMES DZURENDA; FRANK DREESEN;  
 19 REGINA BARRETT; JOSEPH LEWIS;  
 20 TIMOTHY KNATZ; DAVID WILLIS AND  
 21 JO GENTRY,

22 Defendants.

23 CASE NO. 2:17-cv-01671-APG-EJY

24 **JOINT STIPULATION AND  
 25 PROPOSED ORDER TO EXTEND  
 26 DISCOVERY (SEVENTH REQUEST)**

27 Plaintiff Lausteveion Johnson (“*Plaintiff*”) and Defendants James Dzurenda, Frank Dreesen, Regina Barrett, Joseph Lewis, Timothy Knatz, David Willis, and Jo Gentry (“*Defendants*,” together with Plaintiff, the “*Parties*”) by and through their undersigned counsel, hereby stipulate, contingent on this Court’s approval, as follows:

28 **I. PROCEDURAL POSTURE.**

1. The Parties attended a global settlement conference for the instant case, along with counsel in all other cases filed by Plaintiff, on October 5, 2023 (“*Settlement Conference*”).

2. Pursuant to stipulation of the Parties, the Court entered an order that stayed this matter until the Settlement Conference occurred, and extended the discovery deadlines as follows (“*Order*”):

3. a) **Discovery Cut-Off:** The time for the parties to complete discovery shall be extended by ninety (90) days to January 5, 2024.

- b) **Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until February 5, 2024, to file dispositive motions; and
- c) **Joint Pre-Trial Order [LR 26-1(b)(5)]:** If no dispositive motions are filed, the Joint Pretrial Order shall be filed on March 5, 2024.

*See* ECF No. 231.

3. This action did not settle at the Settlement Conference.

**II. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED TO DATE**

**– GOOD CAUSE AND EXCUSABLE NEGLECT EXIST.**

9 On November 7, 2023, counsel for Plaintiffs learned that Plaintiff was incarcerated. *See*  
10 Correspondence (Nov. 7, 2023), attached hereto as **Exhibit 1**. This occurred during a period when  
11 the Parties just began to resume discovery in this action. The Parties have worked diligently through  
12 the course of litigation to conduct discovery and prepare this action for trial. However, in light of  
13 the discovery disputes still pending, the limited contact counsel has with Plaintiff, and the discovery  
14 deadline fast approaching, an extension is necessary. This stipulation comes less than 21 days  
15 before the discovery deadline because the forgoing circumstances arose recently. The Parties  
16 pursue this stipulation cooperatively, and avoided Court intervention to the farthest extent possible.  
17 Moreover, because all Parties are stipulating, no party will be prejudiced by extending discovery  
18 as requested. Nor is this stipulation made with undue delay, dilatory motive, or bad faith.

Thus, good cause and excusable neglect exist for this Court to grant this stipulation.

### III. COMPLETED DISCOVERY.

21       4.      The Parties have completed the meet and confer requirement pursuant to Fed. R.  
22 Civ. P. 26(f) and LR 26-1(a). Plaintiff has served his first set of Interrogatories and Requests for  
23 Production of Documents on Defendants, and Defendants have responded. Plaintiff has served a  
24 subpoena *duces tecum* upon NV DOC, and NV DOC has responded.

#### **IV. REMAINING DISCOVERY.**

26       5.     The remaining discovery in this action includes additional written discovery,  
27 additional subpoenas, depositions, and meet and confer efforts regarding discovery.

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1       **V. PRIOR GRANTED STAYS AND DISCOVERY EXTENSIONS.**

2       6.      The Parties have not been granted any prior stays in this action.

3       7.      The Parties have been granted five (5) prior discovery plan extensions.

4       **VI. DATES REQUESTED FOR CONTINUED DISCOVERY, SHOULD THE MATTER**  

5       **NOT SETTLE.**

6       8.      If the case is not resolved at the settlement conference, the Parties stipulate and  

7      agree, subject to this Court's approval, to the following 90-day extended discovery period:

8       a)     **Discovery Cut-Off:** The time for the parties to complete discovery shall be  

9      extended by ninety (90) days to April 5, 2024.

10      b)     **Dispositive Motions** [LR 26-1(b)(4)]: The parties shall have until May 6, 2024, to  

11      file dispositive motions; and

12      c)     **Joint Pre-Trial Order** [LR 26-1(b)(5)]: If no dispositive motions are filed, the  

13      Joint Pretrial Order shall be filed on June 5, 2024.

14      d)     If dispositive motions are filed, the Joint Pretrial Order shall be filed thirty (30) days  

15      after the Court serves its order concerning the dispositive motions.

16      9.      The Parties submit this stipulation in good faith and without any intent to cause  

17      undue delay in this case.

18      DATED this 4th day of December, 2023.

19      DATED this 4th day of December, 2023.

20      BROWNSTEIN HYATT FARBER  

21      SCHRECK, LLP

22      BY: */s/ Monique S. Jammer*  

23      FRANK M. FLANSBURG III, ESQ.  

24      EMILY A. ELLIS, ESQ.  

25      MONIQUE S. JAMMER, ESQ.

26      BY: */s/ Chris W. Davis*

27      AARON D. FORD, Attorney General  

28      CHRIS W. DAVIS, Senior Deputy Attorney  

29      General

30      *Attorneys for Plaintiff*

31      *Attorneys for Defendants*

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1 **ORDER**  
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3 **IT IS SO ORDERED:**

4 DATED this 4th day of December, 2023.  
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10 UNITED STATES MAGISTRATE JUDGE

11 Respectfully submitted by:  
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13 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
14

15 /s/ Monique S. Jammer

16 FRANK M. FLANSBURG III, ESQ.  
17 EMILY A. ELLIS, ESQ.  
18 MONIQUE S. JAMMER, ESQ.  
19

20 *Attorneys for Plaintiff*  
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